

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Conference Room 322
New State Building
Honolulu, Hawaii

Approved
March 9, 1977

December 21, 1976 - 9:00 a.m.

COMMISSIONERS PRESENT: Eddie Tangen, Chairman
Stanley Sakahashi, Vice Chairman
James Carras
Charles Duke
Colette Machado
Shinsei Miyasato
Mitsuo Oura
Carol Whitesell

COMMISSIONER ABSENT: Edward Yanai

STAFF PRESENT: Gordan Furutani, Executive Officer
Michael Marsh, Deputy Attorney General
Dora Horikawa, Clerk Reporter

Ray Russell, Court Reporter

ACTION

A76-412 - PACIFIC BASIN RESORTS, INC.

In the matter of the boundary amendment petition by Pacific Basin Resorts, Inc., Docket A76-412, on which a hearing was held on August 19, 1976, the Commission discussed the following documents which had been previously distributed to the Commission members, prior to taking action on the petition:

1. Petitioner's Findings of Fact, Conclusions of Law and Decision
2. DPED's Objections to Findings of Fact, Conclusions of Law and Decision; Proposed Additional Findings of Fact, Conclusions of Law and Order
3. Hawaii County Planning Department's Findings and Clarification of Facts, Conclusions of Law and Decision; and Objections to Proposed Additional Findings of Fact, Conclusions of Law and Order

Commissioner Machado was excused from participating in the discussion relative to the subject petition since she had not been present at the hearing.

At the Chairman's request, Mr. Furutani oriented the Commission to the location of the parcel under petition.

The greatest concern in Commissioner Whitesell's views revolved around the question of whether enough urban lands already existed in the North Kona area, as was brought out during the hearing; and whether the target group for the proposed subdivision was appropriate, as it appeared that the selling price of the units would be too high for most of the people presently renting in Kona or Kailua. The matter of the economic feasibility of the proposed project was also brought up by Commissioner Whitesell.

Commissioner Duke observed that the existence of vacant urban lands did not necessarily mean they were available for development. He also noted that subject lands were not particularly good agricultural lands

Commissioner Oura added that the lack of urban amenities such as electricity, water lines, roads, sidewalks, etc., on some of the existing vacant urban lands made these lands less salable.

Chairman Tangen noted that it was within the Commission's prerogative to reclassify lands districted Urban into a more compatible classification should the Commission find that the lands are not being used for the appropriate purposes.

It was Commissioner Duke's feeling that a more appropriate approach would be to take into consideration the projected future growth of Kailua and the Kona area, rather than to place so much emphasis on the vacant urban lands.

A discussion of the petitioner's proposed Findings of Fact, etc., DPED's Objections, etc., and Hawaii County's Findings, etc., are set forth in the transcript on pages 15 to 67.

It was moved by Commission Oura and seconded by Commissioner Carras that Petition A76-412 be approved.

During the discussion that followed, Commissioner Whitesell went on record as opposing the motion and indicated that she favored the recommendation made by the County to approve only a portion of the request. Commissioner Duke argued that the total 145 acres should be reclassified, and that the matter of the incremental development be left to the County.

The Commissioners were polled as follows:

Ayes: Commissioners Duke, Miyasato, Carras, Sakahashi,
Oura, Chairman Tangen

Nay: Commissioner Whitesell

The motion to approve Docket A76-412 was carried.

In the matter of the boundary amendment petition by Oceanic Properties, Inc., Docket A76-414, on which a hearing was held on September 1, 1976, the Commission discussed the following documents which had been previously distributed to the Commission members, prior to taking action on the petition:

1. Petitioner's Proposed Findings of Fact, Conclusions of Law and Order
2. DPED's Recommendation of Approval Regarding Petitioner's Proposed Findings of Fact, Conclusions of Law and Order

Mr. Furutani pointed out the subject parcel on the various maps and oriented it with surrounding landmarks.

Commissioner Whitesell suggested that the findings reflect that much of the 273 acres of vacant urban lands were in the flood zone area, as indicated during DPED's testimony, and the fact that there are no suitable alternative sites available for residential development in the area.

In response to a concern expressed by Commissioner Machado regarding the priorities for the sale of the lots, Mr. Wendell Brooks, Executive Vice President of Oceanic Properties, Inc., assured the Commission that the existing list of potential purchasers into the development were over 60% Northshore residents, and that the sale will be conducted on a first-come first-served basis.

Counsellor Marsh observed that the petitioner's Proposed Findings and Conclusions were very thorough and well prepared. He recommended that the conclusions indicate that the proposed development was consistent with the Interim Statewide Land Use Guidance Policy which provides, among other things, preference for petitions which would make available needed housing for all economic and social groups.

Commissioner Duke suggested that the Executive Officer ^{communicate} with the City and County requesting that it take due notice, at the time of zoning request by the petitioner, of DPED's recommendation that a chain link fence or equivalent be installed by petitioner along the entire southern boundary for the protection of the neighboring farmers, and to avoid conflict between the two uses.

With respect to DPED's recommendation that the storm drainage point of discharge be downstream of the existing farms, Mr. James Caldwell, Project Manager for Oceanic Properties, Inc., advised that 80% of the farmers were upstream of the proposed drainage outfall or on non-contiguous land on the other side of the highway. Mrs. Ueda, Planner for DPED, agreed that if there were no adverse effects and this were a matter on record, they would be satisfied.

Commissioner Duke moved to approve the petition, which was seconded by Commissioner Whitesell and unanimously carried.

SP76-251 - MANFRED B. CIESLIK
APPLICATION TO ESTABLISH A BOWLING CENTER FACILITY IN THE AGRICULTURAL DISTRICT AT NORTH KONA, HAWAII

Chairman Tangen requested the Executive Officer to read only that portion of the staff report concerning the bases for approval by the Planning Commission of the County of Hawaii since the subject request had been a matter before the Commission previously.

Commissioner Duke moved to approve the Special Permit, subject to the condition that construction shall start within a period of one year following the granting of the Special Permit. The motion was seconded by Commissioner Miyasato.

Commissioner Whitesell spoke against the motion on the basis that although there was a clear need for such a facility in the Kailua area, there were other appropriately zoned urban lands available nearby, and this was basically an urban use which should not be granted under a Special Permit.

The Commissioners were polled as follows:

Ayes: Commissioners Miyasato, Duke, Machado, Oura, Carras, Sakahashi, Chairman Tangen

Nay: Commissioner Whitesell

The motion was carried.

ADOPTION OF MINUTES

The minutes of October 15, 1976 and November 9, 1976 were approved as circulated.

Since there was no further business, the meeting was adjourned.